

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID T. BURBO,

Plaintiff,

v.

Case No. 10-cv-14173

HONORABLE STEPHEN J. MURPHY, III

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION (docket no. 14), GRANTING
IN PART PLAINTIFF'S MOTION TO FOR SUMMARY JUDGMENT (docket no. 9),
DENYING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT (docket no. 12)
AND REMANDING THE DECISION OF THE COMMISSIONER**

This matter is before the Court on review of the Commissioner of Social Security's decision denying Plaintiff David T. Burbo's application for Disability Insurance Benefits ("DIB") and Supplemental Security Income ("SSI") under the Social Security Act. Both parties filed motions for summary judgment, and the matter was referred to a magistrate judge for issuance of a Report and Recommendation. The magistrate judge recommends that the Court grant in part Burbo's motion for summary judgment, deny the Commissioner's motion for summary judgment, and remand the decision of the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g). Report & Recommendation, ECF No. 14.

A copy of the Report and Recommendation was served upon the Commissioner on December 20, 2011, and upon Burbo on January 9, 2012. Pursuant to Civil Rule 72(b)(2), each party had fourteen days from the date of service in which to file any specific written objections to the recommended disposition. Neither party has filed any objections, therefore de novo review of the magistrate judge's finding is not required. See Fed. R. Civ. P.

72(b)(3) (requiring de novo review by a district judge only for "any part of the magistrate judge's disposition that has been properly objected to").

Having reviewed the file and the Report and Recommendation, the Court finds that the magistrate judge's analysis is proper. Accordingly, the Court adopts the Report's findings and conclusions, and will enter an appropriate judgment.

WHEREFORE it is hereby **ORDERED** that the Report and Recommendation of December 20, 2011, (docket no. 14) is **ADOPTED**.

IT IS FURTHER ORDERED that Defendant's Motion for Summary Judgment (docket no. 12) is **DENIED**.

IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment (docket no. 9) is **GRANTED IN PART**.

IT IS FURTHER ORDERED that pursuant to sentence four of 42 U.S.C. § 405(g), the decision of the Commissioner is **REMANDED**.

SO ORDERED.

s/Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: January 30, 2012

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on January 30, 2012, by electronic and/or ordinary mail.

Carol Cohron
Case Manager